

TOMATOES AND TOMATO PRODUCTS

11967. Adulteration and misbranding of canned tomatoes. U. S. v. 151 Cases
* * * (F. D. C. No. 21603. Sample No. 50003-H.)

LABEL FILED: November 4, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about July 22, 1946, by the Mallory Canning Co., from Grapeland, Tex.

PRODUCT: 151 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Ruston, La. Examination of the product showed the presence of swells, leakers, and rusty cans. In addition, it was substandard in quality.

LABEL, IN PART: "Grapeland Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 430 (h) (1), the article was below standard in quality by reason of its failure to meet the requirements for color and because of its low drained weight and excess of tomato peel.

DISPOSITION: February 15, 1947. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed, or otherwise disposed of, as provided by law. The unfit portion was segregated and destroyed, and the remainder was delivered to a public institution.

11968. Adulteration and misbranding of canned tomatoes. U. S. v. 100 Cases
* * * (F. D. C. No. 21828. Sample No. 35756-H.)

LABEL FILED: December 4, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 25, 1946, by the Alpena Canning Co., from Cricket, Ark.

PRODUCT: 100 cases, each containing 24 1-pound, 2-ounce (or 1-pound, 3-ounce) cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Alpena Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the product failed to conform to the standard of identity for canned tomatoes since it contained added water, which is not a permitted ingredient of canned tomatoes in the definition and standard.

DISPOSITION: March 21, 1947, J. A. Center, Maxine Center Pettit, and William M. Center, co-partners, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled, under the supervision of the Food and Drug Administration, by the addition to the label of the statement "with 25% water added."

11969. Misbranding of canned tomatoes. U. S. v. 2,147 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 21886, 21960, 21993. Sample Nos. 49539-H, 50084-H, 73318-H.)

LIBELS FILED: November 29 and December 11 and 26, 1946, Eastern and Western Districts of Louisiana and District of South Dakota.

ALLEGED SHIPMENT: September 5 and 11 and October 1, 1946, by the Steele Canning Co., from Rogers and Springdale, Ark.

PRODUCT: Canned tomatoes. 2,147 cases at New Orleans, La., 498 cases at Alexandria, La., and 389 cases at Sioux Falls, S. Dak. Each case contained 24 1-pound, 3-ounce cans.

All lots of the product were substandard because of low drained weight. In addition, 1 lot failed to meet the test for color, and 1 lot contained excess tomato peel.

LABEL, IN PART: "Nancy Lee Brand Tomatoes," or "Hand Packed Steele's Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product was substandard in quality.

DISPOSITION: December 12, 1946, and January 14 and 28, 1947. The Steele Canning Co. having appeared as claimant for the three lots, and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.